

## Tosolini, Lamura, Rasile & Toniutti LLP

INTERNATIONAL LAW FIRM

New York  
70 West 36 Street 12 FL  
Suite 12A  
New York, New York 10018  
Phone: 1 212 564 5400  
Fax: 1-646-536-8719  
Email: [info@bltalaw.com](mailto:info@bltalaw.com)  
[www.bltalaw.com](http://www.bltalaw.com)

Miami  
407 Lincoln Road, Suite 11-C  
Miami Beach, FL, 33139  
Phone: +1 786 497 1872  
Fax: +1 786 497 1873  
Email: [info@blpalaw.com](mailto:info@blpalaw.com)  
[www.bltalaw.com](http://www.bltalaw.com)

Rome  
Via Muggia No. 33  
00195 Rome, Italy  
Phone: +39 06 976 12710  
Fax: +39 06 972 55184  
Email: [info@blpalaw.com](mailto:info@blpalaw.com)  
[www.bltalaw.com](http://www.bltalaw.com)

Milan  
Tosolini, Lamura, Rasile & Toniutti LLP  
In association with La Russa Studio Legale  
Corso di Porta Vittoria No. 18  
20122 Milan, Italy  
Phone: +39 02 55 12 750  
Email: [info@bltalaw.com](mailto:info@bltalaw.com)  
[www.bltalaw.com](http://www.bltalaw.com)

Admitted in New York  
Rocco Lamura  
Gianni Toniutti  
Emanuele Tosolini

Admitted in Florida  
Claudia Moncarz  
Felippe Moncarz

Admitted in Italy  
Rocco Lamura  
Mariana Lamura  
Caterina Naso  
Nicola Rasile

New York, April 10, 2013

VIA FAX 1 212 805 0426

MEMO ENDORSED

Hon. Judge  
Laura Taylor Swain  
United States District Judge  
500 Pearl St.  
New York, NY 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: APR 11 2013

RE: ERMINI vs. VITTORI - 12-cv-06100-(LTS) -

Dear Judge Swain:

We are in receipt of Defendant's letter and exhibit(s) dated April 8, 2013.

**New York**

**Miami**

**Rome**

**Milan**

## Tosolini, Lamura, Rasile & Toniutti LLP

INTERNATIONAL LAW FIRM

In this respect, we understand that this Court provided specific and clear instructions as to the documents and activities to be performed under the above captioned case. Indeed, we believed that after trial, the only documents, we, both Plaintiff and Defendant, could file were the conclusion of law and related reply. That was our understanding after the Court instructions the last day of the trial.

Notwithstanding the above, with surprise, we understand Defendant filed an additional letter dated April 8, 2013, with attached an Italian Order, with additional conclusion of law, right before a judgment on this matter should be rendered.

We, Plaintiff, on the other hand, although we had additional conclusions of law we would have submitted to Your attention, on the other hand, have complied with Your instructions and refrained from doing so.

Evidence were introduced at Trial. A trial was held on January 28-30, 2013. Conclusion of law and related reply were filed before You.

We believe this is an unfair course of action from Defendant and, once more, highly prejudicial toward our Client's interest.

Therefore, we hereby request this Court to (i) disregard and (ii) remove such letter and the attached order from the record.

In addition, as always, Defendant did not mention that the Court of Appeal of Rome, Italy, did not adjudicate or review a case on the Hague Convention, as the case before You.

The Court of Appeal temporarily, subject to the Velletri Court's review (to be held on April 22, 2013 for an additional order on the same issues), reviewed, upon Defendant's appeal, the Velletri Order of September 20, 2012. This means that the Italian Court of Velletri, on April 22, 2013, shall adjudicate, once more, the same issues reviewed, temporarily, by the Court of Appeal, and reconfirmed, most likely, the same Order of September 20, 2012.

Respectfully submitted,

Rocco Lamura

Rocco Lamura

*The current status of the Italian proceedings is obviously material to certain of the issues pending before this court. Petitioner may make any additional submission in this regard by tomorrow, Friday April 12, 2013, at 3:00 pm.*

**SO ORDERED:**

New York

Miami

Rome

*4/11/13*  
HON. LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE